IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 371 (M/S) of 2002

(Old No. 5573/98)

State of U.P. through Superintendent Engineer,
Irrigation Research Institute, Jal Vigyan, Mandal,
Roorkee, Haridwar. ..... Petitioner

Versus

1. Labour Court First U.P. Meerut through its Presiding Officer.
2. Janeshwar son of Sri Shobha Ram R/o Village Garli, Meerpur Pargana Jawalapur Tehsil and District Haridwar. .....Respondents

Sri Nand Prasad learned standing counsel for the petitioner.
Sri Pankaj Miglani learned counsel for the respondent No.2

Dated: 25th September 2006

Hon'ble B.S. Verma, J.

Heard Sri Nand Prasad learned standing counsel for the petitioner and Sri Pankaj Miglani learned counsel for the respondent No.2.

2. By the present writ petition the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing the impugned award dated 12-5-1997 passed by the Labour Court First U.P. Meerut-respondent No.1.

3. The present writ petition was filed before the Allahabad High Court on 23-2-1998 and the award was stayed on the condition that the petitioner shall pay the wages as directed by the Labour Court from the date of the order. However, it will be open for the petitioner either to take work from the respondent No.2 workman or not.

4. A counter affidavit has been filed by the respondent No.2 and in prargraph 3 of the counter affidavit it has been stated

by respondent No.2 that he was reinstated in compliance of the interim order passed by the Allahabad High Court and subsequent to that the petitioner was appointed by the respondent No.2 in work charge establishment on daily wages.

5. In view of the fact that now the petitioner himself upgraded the service of the workman and he had appointed in the work charge establishment now there is no question to set aside the award of the labour Court.

6. In view of the above the writ petition is dismissed and the labour court award dated 12-5-1997 is hereby affirmed. No order as to cost.

(B.S. Verma,J)

Dated: 25th September 2006
M.K.